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9 Attorneys for Plaintiff
10 ORACLE USA, INC.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14
15 ORACLE USA, INC., a Colorado Corporation,

Case No.: CV 09-0537 MHP

16 Plaintiff

17 STIPULATION AND ~~PROPOSED~~ ORDER
18 GRANTING LEAVE FOR FILING OF FIRST
AMENDED COMPLAINT

v.

19
20 XL GLOBAL SERVICES, INC., a Delaware
Corporation,

21 Defendant.

22
23 AND RELATED COUNTERCLAIM

24
25 IT IS HEREBY STIPULATED, by and between the parties hereto through their
26 respective undersigned attorneys, that plaintiff Oracle USA, Inc. shall have leave to file a First Amended
27 Complaint in the form attached as Exhibit 1 to this Stipulation and Order.

28 In light of this stipulation, the motion for leave to file amended complaint, currently set

1 for hearing on September 14, 2009, is moot and may be taken off calendar.

2 SO STIPULATED:

3
4 Dated: September 8, 2009

JAMES A. HUGHES
SULLWOLD & HUGHES

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6
7 By: _____ /S/
8 JAMES A. HUGHES

9 Attorneys for
PLAINTIFF ORACLE USA, INC.
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Dated: September 8, 2009

SOMMERS & SCHWARTZ LLP

12 By: _____ /S/
13 Frank F. Sommers, IV
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15 Attorneys For Defendant and Counterclaimant
XL GLOBAL SERVICES, INC.
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17 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B), the filer hereby attests that the signatories' concurrence in the filing of this document has been obtained.*

ORDER

The parties having stipulated and good cause appearing;

IT IS ORDERED that plaintiff Oracle USA, Inc. is granted leave to file the proposed First Amended Complaint. **Defendant's answer to the First Amended Complaint shall be filed on or before October 5, 2009.**

Date: 9/9/2009

